

Senate File 377 - Introduced

SENATE FILE _____
BY COMMITTEE ON REBUILD IOWA
(SUCCESSOR TO SSB 1268)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the prescription drug donation repository
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2414SV 83
5 pf/nh/14

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1 1 Section 1. Section 135M.1, Code 2009, is amended to read
1 2 as follows:

1 3 135M.1 PURPOSE.

1 4 The purpose of this chapter is to improve the health of
1 5 low-income and vulnerable Iowans through a prescription drug
1 6 donation repository that authorizes medical facilities, ~~and~~
1 7 pharmacies, and the department to redispense prescription
1 8 drugs and supplies that would otherwise be destroyed.

1 9 Sec. 2. Section 135M.3, subsection 4, Code 2009, is
1 10 amended to read as follows:

1 11 4. a. A medical facility or pharmacy that receives
1 12 prescription drugs or supplies may distribute the prescription
1 13 drugs or supplies to another eligible medical facility or
1 14 pharmacy for use pursuant to the program.

1 15 b. The department may receive prescription drugs or
1 16 supplies directly from the prescription drug donation
1 17 repository contractor and may distribute such prescription
1 18 drugs and supplies through persons licensed to dispense
1 19 prescription drugs and supplies to an eligible individual for
1 20 use by the individual pursuant to the program. The department
1 21 may receive and distribute such prescription drugs or supplies
1 22 under this paragraph during or in preparation for a state of
1 23 disaster emergency proclaimed by the governor pursuant to
1 24 section 29C.6 or during or in preparation for a public health
1 25 disaster as defined in section 135.140, subsection 6.

1 26 Sec. 3. Section 135M.4, subsection 5, paragraph b, Code
1 27 2009, is amended to read as follows:

1 28 b. (1) Eligibility criteria for individuals to receive
1 29 donated prescription drugs and supplies dispensed by medical
1 30 facilities and pharmacies under the program. The standards
1 31 shall prioritize dispensing to individuals who are indigent or
1 32 uninsured, but may permit dispensing to other individuals if
1 33 an uninsured or indigent individual is unavailable.

1 34 (2) Eligibility criteria for individuals to receive
1 35 donated prescription drugs and supplies dispensed directly by
2 1 the department through persons licensed to dispense
2 2 prescription drugs and supplies. The department shall accept
2 3 and dispense donated prescription drugs and supplies received
2 4 from the prescription drug donation repository contractor
2 5 during or in preparation for a state of disaster emergency
2 6 proclaimed by the governor pursuant to section 29C.6 or during
2 7 or in preparation for a public health disaster as defined in
2 8 section 135.140, subsection 6.

2 9 Sec. 4. Section 135M.5, subsection 2, Code 2009, is
2 10 amended to read as follows:

2 11 2. Except as provided in subsection 3, a person ~~other than~~
2 12 including the department or the department's employees,
2 13 agents, or volunteers, but not a drug manufacturer subject to
2 14 subsection 1, acting reasonably and in good faith, is immune
2 15 from civil liability and criminal prosecution for injury to or
2 16 the death of an individual to whom a donated prescription drug

2 17 is dispensed under this chapter and shall be exempt from
2 18 disciplinary action related to the person's acts or omissions
2 19 related to the donation, acceptance, distribution, or
2 20 dispensing of a donated prescription drug under this chapter.

2 21 EXPLANATION

2 22 This bill provides that in addition to pharmacies and
2 23 medical facilities that participate in the prescription drug
2 24 donation repository (Code chapter 135M), the department of
2 25 public health may also receive prescription drugs or supplies
2 26 directly from the prescription drug donation repository
2 27 contractor and may distribute the prescription drugs and
2 28 supplies to eligible individuals pursuant to the program. The
2 29 department may receive and distribute such prescription drugs
2 30 and supplies during or in preparation for a proclaimed state
2 31 of disaster emergency or a public health disaster. The bill
2 32 provides that the department is to adopt rules for eligibility
2 33 criteria for individuals to receive donated prescription drugs
2 34 and supplies dispensed directly by the department through
2 35 persons licensed to dispense prescription drugs and supplies.

3 1 The bill also provides immunity from civil and criminal
3 2 liability for the department, or the department's employees,
3 3 agents or volunteers acting reasonably and in good faith under
3 4 the program.

3 5 LSB 2414SV 83

3 6 pf/nh/14